

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 632 OF 2015
(Radheshyam s/o Ayodhayaprasad Tripathi Vs. The State of Maharashtra)

Mr. J.N. Singh, Advocate for the petitioner
Mr. R.B. Bagul, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 16/02/2016

ORAL ORDER :

1. Heard learned counsel for the petitioner.

2. Upon hearing both sides, it appears that the notice was issued to the present writ petitioner and the issue is as to whether the quoting of the section in the said notice is correct.

. Further, the provisions of section 142 of the Maharashtra Regional and Town Planning Act, 1966 would show that the sanction can be granted either by the Regional Board, Planning Authority, or as the case may be, a Development Authority or any officer authorised by such Board or Authority in this behalf.

3. Both the issues can be agitated and those can be decided on merit by the learned Judicial Magistrate First Class. In the circumstances, the submissions of the learned counsel for the petitioner that the petitioner be discharged from the offence punishable under section 54 of the Maharashtra Regional and Town Planning Act, 1966, cannot be acceded to. The writ petition is, therefore, dismissed.

[M.T. JOSHI]
JUDGE

npj/criwp632-2015